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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,088	02/17/2004	Binh T. Nguyen	0112300-1538	9894
7590 Bell, Boyd & Lloyd LLC P.O. Box 1135 Chicago, IL 60690-1135			EXAMINER DEODHAR, OMKAR A	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 12/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/780,088

Applicant(s)

NGUYEN ET AL.

Examiner

Omkar A. Deodhar

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/19/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**Final Rejection**

***Claim Objections***

Claim 60 is objected to for reciting "for a plurality secondary games." This has been interpreted as reciting "for a plurality of secondary games." Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, 8-11, 20, 31, 37-43, 46-49, 56, 58, 59 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Foster et al., (GB 2,170,636 A).**

**Claim 1:**

Foster discloses the following:

A gaming machine with an input device, (Figure 1);

A display device displaying primary and secondary games, (Figure 1, Col. 1. Lines 113-130, and Col. 2. Lines 1-18: Multiple display regions are disclosed. A primary game is established when for example, a player inserts coins and presses the "Gamble" button. The result could be the flashing of a "Quick Spin" indicator, resulting in a reel spin that may or may not result in a winning combination on the normal win line. Alternatively, the

result could be the flashing of a "2 line play" indicator which results in two choices:

Pressing the "Start" button or pressing the "Gamble" button." Either choice is interpreted as initiating a secondary game. Secondary game elements are also displayed in the display region);

Determinations of whether to display and provide winning outcomes in the secondary game are based upon occurrences in the primary game, namely the initial play after insertion of coins;

The primary game provides elements for the secondary game regardless of any events or outcomes in the primary game, (Abstract (Paragraph 57), Col. 1. Lines 49-52 discloses that regardless of any unsuccessful gambles, the reels will still spin and a prize will be paid if there is a winning combination on the normal win line. Thus, even if a primary game play is unsuccessful, a secondary game round is initiated. The secondary game round may even result in additional game play rounds, as was presented above);

The limitation of a processor operable with the display and input devices is inherent in the gaming machine.

**Claim 2:**

Foster's gaming device includes elements of risk.

**Claim 3:**

As presented above, elements of the secondary game are provided regardless of any event or outcome of the primary game.

**Claim 4:**

The number of elements in the secondary game is based on amounts wagered in the primary game, at least in the sense that absent any initial wager, no game play takes place.

**Claim 5:**

Primary awards are associated with winning outcomes in that after the "Quick Spin", a winning combination on the normal win line results in payout.

**Claims 8-11, 46-49:**

Foster discloses that if the "2 line pay" indicator results after the initial wager and "Gamble" button press, the player has an option as to which type of round to enter next. These options are a "normal reel spin" or pressing the "Gamble" button. Thus, winning outcomes in secondary rounds are determined at least in part on player decisions. That options exist as to how to progress, teaches that secondary games are based on risk. It is inherent that winning outcomes on reels are at least in part based on random events. Foster teaches that a processor would provide awards in the secondary game round. Additionally, please note that winning outcomes in a second round teaches secondary awards.

**Claims 20 and 56:**

In its broadest reasonable interpretation, amended claim 20 now recites elements of the game (primary or secondary) that include different shaped blocks. Referring to the display regions in Foster - Figure 1, game elements are present that comprise different sizes, positions and orientations. Thus, the examiner's position is that the claimed limitation is disclosed simply by elements in the display region of Foster.

**Claims 37 and 58:**

Gaming elements for game rounds (primary and secondary) are selected based on randomly determined numbers, (winning reel combinations in a secondary game round are inherently based on randomly determined numbers.)

**Claims 31, 38-43, 59, 60:**

Foster, as presented above, discloses the claimed limitations.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6, 7, 14-17, 19, 22-30, 32-36, 44, 45, 52-55, 61-72 and 75-81 are rejected as being unpatentable over Foster et al., (GB 2,170,636 A) in view of Barrie, (US 5,980,384).**

**Claims 6, 7, 22, 23, 27, 44 and 45:**

Foster discloses limitations as presented above. Foster is silent regarding using primary awards as wagers in a secondary game and placement of separate wagers in a secondary game. Barrie discloses integration of primary and secondary games, (Col. 3. Lines 5-20). This is interpreted as disclosing that awards may be used as wagers in second games, and that placement of a separate wager in a second game is permitted. It would have been obvious to one of ordinary skill in the art to permit such wagering in games of chance for the purpose of providing the player with a measure of decision making by which the player can optimize his/her chances of winning.

**Claims 14-17 and 52-55:**

Foster discloses limitations as presented above. Foster is silent regarding primary and secondary paytables associated with various rounds and their respective awards. Barrie discloses that associating winning symbol combinations and amounts to be paid indicated in pay tables is well-known in the art. This teaching combined with Barrie's detailed disclosure of integration of primary and secondary games, (as was also discussed above with respect to claims 6 and 7) is interpreted as disclosing the claimed limitations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's disclosure to incorporate the usage of paytables associated with various rounds and their respective awards for the purpose of providing a means to determine payout of winning award/symbol combinations displayed to the player.

**Claims 19 and 28-30:**

Foster discloses limitations as presented above, however does not teach the card games for the gaming rounds. Barrie discloses card games such as poker, (Col. 1. Lines 30-35.) It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have provided card games for play in gaming rounds for the purpose of incorporating additional measures of decision making by which the player can optimize his/her chances of winning. Additionally the disclosure of providing card games is sufficient to extend to different card games such as blackjack.

**Claims 22, 34, 61-72 and 75-79:**

Foster in view of Barrie, as presented above, discloses the claimed limitations. It is also noted that second players may place wagers in the device of Barrie, as in claim 68.

**Claim 24:**

Please refer to the rejection of claim 19. Additionally, it is noted that in the case of poker games (as in Barrie) a winning outcome is formed from predetermined sets of game cards.

**Claims 25 and 26:**

Foster in view of Barrie teaches that a processor enables usage of cards in various rounds of game play. Manipulating game cards (risk and skill elements) is interpreted as competing against the gaming machine.

**Claims 32, 33, 35, 36, 80 and 81:**



Foster discloses the claimed limitations as presented above, however is silent regarding data networks and offering games via the internet. Barrie discloses providing games over networks, (Col. 14. Lines 19-22.) It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have used data networks and the internet to provide gaming functions for the purpose of enabling remote game play.

**Claims 12-13, 18, 21, 50, 51, 57, 73 and 74 are rejected as being unpatentable over Foster et al. (GB 2,170,636 A) in view of Barrie, (US 5,980,384) in yet further view of Gomez et al. (US 7,297,058).**

**Claims 12, 13, 21, 50, 51, 57, 73 and 74:**

Foster discloses the invention substantially as claimed. Foster is silent regarding progressive gaming features. Gomez teaches wide-area progressive systems, (Gomez – Col. 10. Lines 52-63.) This is interpreted as disclosing the usage of progressive gaming across multiple rounds of game play. It would have been obvious to one of ordinary skill in the art to incorporate a wide area progressive system into the gaming machine of Foster for the purpose of allowing simultaneous play for a large jackpot.

**Claim 18:**

Foster discloses the invention substantially as claimed. Foster is silent regarding a secondary display. Gomez teaches a secondary display, (Col. 2. Lines 55-62.) It would have been obvious to one of ordinary skill in the art at the time of Applicant's

invention to incorporate an additional display for the purpose of displaying video images to a player.

***Response to Remarks***

Applicant's arguments have been considered, but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F 8AM – 4:30PM

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAD

/Corbett Coburn/  
Primary Examiner  
AU 3714